

04772 U.S. PTO
08/19/03

PATENT
Atty. Docket No. 02-4828A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R. §1.10 on the date indicated above addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

James R. Forey
James R. Forey

Anticipated Classification of the application:
Class: Subclass:

Prior application
Serial No.: 10/291,356
Filed: November 8, 2002
Examiner: Jack S. J. Chen
Group Art Unit: 2813

03914 U.S. PTO
10/643687
08/19/03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)

This is a request for filing a

☐ Continuation

☒ Divisional

application under 37 CFR 1.53(b), of pending prior application Serial No. 10/291,356, filed on November 8, 2002, of Sheldon Aronowitz, Vladimir Zubkov, and Grace Sun for HIGH-K DIELECTRIC GATE MATERIAL UNIQUELY FORMED.

1. **Copy of Prior Application as Filed Which is Attached**

☐ I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the Declaration originally filed (37 CFR 1.53).

The copy of the papers of prior application as filed which are attached are as follows:

☒ 6 pages of specification

☒ 2 pages of claims

☒ 1 page of Abstract

[X] 3 sheets of drawings as originally filed

[X] 2 pages of *executed* declaration and power of attorney as filed in connection with the parent application. My records reflect that the original signed declaration was executed by the inventors on November 7, 2002 and filed on November 8, 2002.

2. **Amendments**

[] A Preliminary Amendment is enclosed.

3. **Information Disclosure Statement**

[] An Information Disclosure Statement is submitted herewith.

4. **Fee Calculation (37 CFR 1.16)**

Before calculating the fee please delete claims 2-5.

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee
			\$ 750.00
Total Claims 5	0	x \$ 18.00	\$.00
Independent Claims 2	0	x \$ 84.00	\$.00
Multiple dependent claim(s), if any		+ \$280.00	\$.00
Filing Fee Calculation			\$ 750.00

5. **Small Entity Status**

A verified statement that this filing is by a small entity:

[] is attached.

[] has been filed in the parent application and such status is still proper and desired.

Filing Fee Calculation (50% of above) ____

6. **Drawings**

☒ Formal.

7. **Relate back -- 35 U.S.C. 120**

☒ Amend the specification by inserting on the first page, at line 4, the sentence:

“This is a divisional of co-pending application Serial Number 10/291,356, filed on November 8, 2002.”

8. **Inventorship Statement**

(a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC 120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application. It is requested that the following inventors identified above for the prior application be deleted:

(b) The inventorship for the claims in this application is:

☒ the same.

☐ not the same. And an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

9. **Assignment**

☒ The prior application is assigned of record to

LSI Logic Corporation, 1551 McCarthy Blvd., Milpitas, CA 95035

10. **Fee Payment Being Made At This Time**

☒ basic filing fee: \$ 750.00

☐ recording assignment (\$40.00; 37 CFR 1.21(h))

(See attached “COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW PATENT APPLICATION”.)

☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l)).

11. **Method of Payment of Fees**

☒ A check in the amount of \$750.00 is enclosed.

12. **Authorization To Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 12-2252.

☒ 37 CFR 1.16(a), (f) or (g) (filing fees)

☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

☒ 37 CFR 1.17 (application processing fees)

13. **Power of Attorney**

☒ The power of attorney in the prior application is to
Timothy R. Croll, Reg. No. 36,771

a. ☒ The power appears in the original papers in the prior application.
Enclosed herewith is a copy of the Power as originally filed on November 8, 2002 with the parent application.

b. ☐ Because the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ A new power has been executed and is attached.

d. ☒ Address all future communications to:

LSI Logic Corporation
Legal Department - IP
1621 Barber Lane, MS D-106
Milpitas, CA 95035
Phone: (408) 433-7191

14. **Petition for Extension of Time in Prior Application**

☐ A petition for extension of time and an amendment was filed on _____ with the pending parent application to extend the date for response up to and including _____.

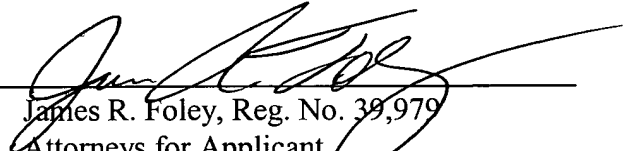
[] A **copy** of the petition for extension of time in the pending parent application is attached.

Respectfully submitted,

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.

Date: August 19, 2003

By: _____


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